

PATENT

Atty Docket No.: 200310012-1

App. Ser. No.: 10/769,137

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1 and 22-25 are amended herein. Support for the amendments may be found in page 14, lines 4-17 of the originally filed specification. Therefore, claims 1-8 and 11-26 are pending of which claims 1, and 22-25 are independent.

Claims 1-8, 11-14 and 17-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen et al. (2002/0095295) ("Cohen") in view of Honarvar et al. (7,231,657) ("Honarvar").

These rejections are respectfully traversed for the reasons stated below.

Allowable Subject Matter

The Office Action indicated that claims 15 and 16 would be allowable if rewritten in independent form.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

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be found in the prior art and not based on applicant's disclosure. *In re Vaecck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-8, 11-14 and 17-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen in view of Honarvar. This rejection is respectfully traversed because Cohen and Honarvar fail to teach or suggest the features of independent claims 1 and 22-25 and the claims that depend therefrom.

Cohen and Honarvar fail to teach or suggest the use of a weighted linear summation or a weighted exponential, as recited in independent claims 1 and 22-25. One possible example of a weight linear summation is recited in allowable claim 15 while one possible example of a weighted exponential is recited in allowable claim 16. As suggested by the indication of allowable subject matter, the cited references of record fail to teach or suggest at least the features recited above. In fact, Cohen and Honarvar are silent with respect to the use of a weighted linear summation or a weighted exponential.

For at least the foregoing reasons, it is respectfully submitted that the Office Action has failed to establish that claims 1-8, 11-14 and 17-26 are *prima facie* obvious in view of Cohen and Honarvar. The Examiner is therefore respectfully requested to withdraw the rejection and to allow these claims.

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Conclusion


In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 11, 2007

By



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